IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 27637 of 2007(M)

PETITIONERS:

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1. GRACY BABU, AGED 38 YEARS,
   W/O. P.C. BABU, PANACHIMALIL HOUSE,
   THIRUMARADI P.O., ERNAKULAM.

2. P.C. BABU, AGED 42 YEARS,
   S/O. CHACKO, PANACHIMALIL HOUSE,
   THIRUMARADI P.O., ERNAKULAM.

3. T.V. GEORGE, AGED 53 YEARS,
   S/O. VARGHESE, THEKKILAKKATH HOUSE,
   KOTTAPPADY P.O., ERNAKULAM.

BY ADV. SRI.JOHN JOSEPH VETTIKAD
SRI.C.JOSEPH JOHNY

RESPONDENTS:

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1. MATHIRAPPILLY SERVICE CO-OPERATIVE
   SOCIETY LTD.NO.1577, MATHIRAPPILLY,KOTHAMANGALAM,
   REPRESENTED BY ITS SECRETARY.

2. INSPECTOR OF CO-OPERATIVE SOCIETIES
   (SALE OFFICER-MATHIRAPPILLY SERVICE CO-OPERATIVE
   SOCIETY LTD), OFFICE OF THE ASSISTANT REGISTRAR OF
   CO-OPERATIVE SOCIETY (GENERAL), KOTHAMANGALAM.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETY
   LTD. (GENERAL), ERNAKULAM.

R1 BY ADV. SRI.GEORGE POONTHOTTAM
R2 & R3 BY ADV.SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27637 OF 2007

Dated this the 15th day of October, 2007

JUDGMENT

No counter affidavit has been filed. The averments in the Writ Petition stands established by non-traverse. It is established that whatever amounts which were due to the respondent Bank on account of the original liability and also on account of the expenses incurred in the matter of conduct of the sale have been paid off by the petitioner. I do not find any reason for denying the relief sought for by the petitioner.

The Writ Petition will stand allowed and there will be a direction to the 1st respondent to treat the amounts paid by the petitioner on 13.08.07 as full and final settlement of the claims towards the three loan transactions and to close the three loan transactions and to return their title document(Sale Deed No.1575/91 of Kothamangalam SRO) in respect of the property of 35 cents of land comprised in Survey No.1321/9K/1 of Kothamangalam Village. In order that the above orders are made effectual and meaningful, the sale conducted is set aside. The 1st respondent will comply with the directions herein above within one week of the petitioner producing a copy of this judgment before him.

PIUS C. KURIAKOSE, JUDGE

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